

# Senate Study Bill 1151

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL  
BY CHAIRPERSON BEALL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the criteria for involuntarily discharging a  
2 resident from the veterans home.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2000SC 83  
5 pf/nh/8

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1 1 Section 1. Section 35D.15, Code 2009, is amended to read  
1 2 as follows:  
1 3 35D.15 RULES ENFORCED == POWER TO SUSPEND, ~~AND~~ EXPEL, ~~AND~~  
1 4 INVOLUNTARILY DISCHARGE MEMBERS.  
1 5 1. The commandant shall administer and enforce all rules  
1 6 adopted by the commission, including rules of discipline and,  
1 7 subject to these rules, may immediately suspend the membership  
1 8 of and expel any person from the home for infraction of the  
1 9 rules when the commandant determines that the health, safety,  
1 10 or welfare of the residents of the home is in immediate danger  
1 11 and other reasonable alternatives have been exhausted. The  
1 12 suspension and expulsion are temporary pending action by the  
1 13 commission. Judicial review of the action of the commission  
1 14 may be sought in accordance with chapter 17A.  
1 15 2. a. The commandant may involuntarily discharge a member  
1 16 for any of the following reasons:  
1 17 (1) The member has been diagnosed with a substance use  
1 18 disorder but continues to abuse alcohol or an illegal drug.  
1 19 (2) The member refuses to comply with the member's  
1 20 prescribed plan of care or treatment.  
1 21 (3) The member's medical or life skills needs have been  
1 22 met to the extent possible through the services provided by  
1 23 the Iowa veterans home and the member no longer requires a  
1 24 residential level of care.  
1 25 b. The commission shall adopt rules to enforce this  
1 26 subsection.  
1 27 c. Any involuntary discharge by the commandant under this  
1 28 subsection shall comply with the rules adopted by the  
1 29 commission under this subsection and by the department of  
1 30 inspections and appeals pursuant to section 135C.14,  
1 31 subsection 8, paragraph "f".  
1 32 Sec. 2. Section 135C.14, subsection 8, Code 2009, is  
1 33 amended by adding the following new paragraph:  
1 34 NEW PARAGRAPH. f. The involuntary discharge of a resident  
1 35 of the Iowa veterans home including provisions for notice and  
2 1 agency hearings, the development of a resident discharge plan,  
2 2 and for providing counseling services to a resident being  
2 3 discharged. The rules shall provide that a resident may be  
2 4 involuntarily discharged for any of the following reasons:  
2 5 (1) The resident has been diagnosed with a substance use  
2 6 disorder but continues to abuse alcohol or an illegal drug.  
2 7 (2) The resident refuses to comply with the resident's  
2 8 prescribed plan of care or treatment.  
2 9 (3) The resident's medical or life skills needs have been  
2 10 met to the extent possible through the services provided by  
2 11 the Iowa veterans home and the resident no longer requires a  
2 12 residential level of care.  
2 13 EXPLANATION  
2 14 This bill provides for the involuntary discharge of a  
2 15 resident of the Iowa veterans home by the commandant under  
2 16 limited circumstances. The bill specifies the bases for  
2 17 involuntary discharge, requires the commission of veterans  
2 18 affairs to adopt rules to enforce the bill, and provides that

2 19 any involuntary discharge under the bill must comply with the  
2 20 rules adopted by the commission and the rules adopted by the  
2 21 department of inspections and appeals under the health care  
2 22 facilities chapter (Code chapter 135C). Current  
2 23 administrative rules adopted pursuant to Code chapter 135C for  
2 24 residential health care facilities and nursing facilities  
2 25 relating to involuntary discharge (481 IAC 57.36(1) and 481  
2 26 IAC 58.40(1)) provide for involuntary discharge of residents,  
2 27 but the current bases are limited and do not include the bases  
2 28 provided under the bill which are specific to the Iowa  
2 29 veterans home.  
2 30 LSB 2000SC 83  
2 31 pf/nh/8